

REMARKS

The Office Action mailed October 18, 2006, was received and its contents carefully reviewed. Claims 1, 3-8, 10-26, 29-39, 42-58 and 61-71 were pending.

In the above amendments, Applicant amended the paragraph starting on page 10, line 6 of the original Specification (paragraph [0034] in the published application to correct a minor typographical error. Applicant also amended independent claims 1, 14-19, 39, 42, 61-65 to highlight additional features of the present invention and to add additional context to the claims. Applicant also amended claim 56 to change the dependency of this claim. The features incorporated in the above amendments are disclosed in the original Specification at least on page 4, starting on line 1; page 5, starting on line 6; page 7, starting on line 7; and throughout the Specification and Figures. Additionally, Applicant canceled claims 24, 51, 69, and 71 in the above amendments. Applicant respectfully submits that no new matter was introduced by these amendments. As now recited, claims 1, 3-8, 10-23, 25, 26, 29-39, 42-50, 52-58, 61-69, and 70 remain pending and are believed to be in condition for allowance. Applicant respectfully requests reconsideration of this application in light of the above amendments and the following remarks.

A. Specification

1. Objection Regarding Antecedent Basis

In the October 18, 2006, Office Action, the Examiner objected to the Specification under 37 CFR § 1.75(d)(1) for failing to provide proper antecedent basis for the claimed subject matter. With respect, Applicants submit that the listed claims 30, 31, 32, 34, and 35 are fully supported in the original Specification.

For example, on page 4, starting on line 1 of the original disclosure (paragraph [0020] in the published application), a number of examples are disclosed to illustrate the manner of automatically inserting markers. These methods include determining sound levels, brightness or intensity readings from video and other such methods. Any desired method can be used for generating markers. Markers can also be inserted

in various portions of a movie to identify video segments relating to content information and can be generated based upon information in the video segment such as flesh tone, voice recognition, and other processes. Applicants respectfully submit that the changes in the video stream upon which to divide the video segments recited in claims 30, 31, 32, 34, and 35 fall under the examples disclosed at least in paragraph [0020] of the original Specification. As such, Applicants respectfully request withdrawal of the objection under 37 CFR § 1.75(d)(1).

2. Objection Regarding Title

The Examiner objected to the Title of the invention as not being descriptive. In the above amendments, Applicant amended the title from “iSelect Video” to “iSelect System and Method of Selecting and Excluding Video Segments Based Upon Tags, Markers, and Video Preferences” as recommended by the Examiner. Applicant appreciates the Examiner’s suggestion. As a result of the above amendment, Applicant respectfully requests the withdrawal of the objection to the title.

B. Claim Objections

In the October 18, 2006, Office Action, the Examiner objected to claim 62 because of an informality with regard to the step of inserting the viewer preferences. Applicant amended claim 62 above to add additional context to the claim 62. In view of the above amendments, Applicant respectfully requests reconsideration and withdrawal of this objection.

C. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 5-7, 10, 11, 14-20, 22-24, 38, 39, 61, 62, and 70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis U.S. Patent Number 6,011,895 (“the Abecassis patent”) in view of Legall et al. U.S. Patent Number 6,005,565 (“the Legall patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The present invention pertains generally to video broadcast systems and methods of selecting or excluding different types of video broadcasts. More particularly, the systems and methods of the present invention insert video indicators, such as tags and markers, in a video signal to establish content information regarding the video segments and then compare the inserted video indicators to viewer preference information to select desired video segments or exclude unwanted video segments.

In the above amendments, Applicant amended method claims 1, 14-18, 61, and 63-65 to positively recite the steps of encoding tags with selected key words and rating information relating to the content of each video segment and inserting alternate video segments to replace unwanted video segments if the comparison of the keywords or rating information with the viewer preference information is unfavorable (claim 1). Similarly, Applicant amended claims 14 and 18 to further recite storing the unwanted video segments in local storage if the comparison of the tags (claim 14) or keywords (claim 18) or the rating information of each video segment with the view preference information is unfavorable. Applicant also amended claim 17 to further recite storing preferred video segments in local storage if the comparison is favorable.

Additionally, Applicant amended independent method 15 to include inserting downloaded preferred video segments to replace unwanted video segments if the comparison of the key words or rating information with the viewer preference information is unfavorable. In addition, Applicant amended independent method claim 16 to recite combinations of these storing and inserting steps. Applicant also amended independent method claim 61 to recite additional steps with regard to inserting alternate video segments to replace unwanted video segments.

Additionally, Applicant amended system claims 19 and 39 to recite the system components used to perform the method of claims 1 and claims 14-18. With respect, Applicant submits that the combination of the Abecassis and Legall patents fails to disclose or suggest these steps as well as the system components required to carry out these steps.

1. Method Claims 1, 5-7, 10, and 11

Amended independent claim 1 recites a method of selecting preferred video segments and excluding unwanted video segments from a plurality of video segments within a video stream. The method of claim 1 includes encoding markers within the video stream, where the markers have a position in the video stream that indicates a division between the plurality of video segments of the video stream. Claim 1 further recites encoding tags within the video stream that indicate content of each video segment. The tags comprise selected key words and rating information relating to the content of each video segment based on information from an electronic program guide and rating information of each video segment. Claim 1 also recites using video preference information of the viewer to select the preferred video segments and to exclude the unwanted video segments by comparing the key words and the rating information of each video segment with the video preference information of the viewer. Additionally, amended claim 1 recites inserting alternate video segments to replace the unwanted video segments if the comparison of the keywords or the rating information with the video preference information of the viewer is unfavorable.

In contrast, the Abecassis patent appears to discuss a generalized rating scale for categories of video segments as well as individualized rating scales that are set up in advance of using the system and method of the Abecassis patent. See col. 7, lines 2-7. The system and method of the Abecassis patent filters out content based upon ratings of video segments that are translated from a standard rating system such as that used by the Motion Picture Association of America (MPAA) to a numerical assignment in the system of the Abecassis patent. There is no disclosure in the Abecassis patent of encoding tags that include key words and rating information relating to the content of each video segment based on information from an electronic program guide and rating information of each video segment. In fact, the Abecassis patent appears to discount the value of using rating information, such as that provided by the Motion Picture Association of America (MPAA) rating system by disclosing, “The rating system is thus inadequate for a large portion of the viewing public.” and

that “The MPAA rating system does not, by deliberate design, address segment specific subject matter information that is required to provide adults with a highly discriminatory control over the content of segments contained within the selected program.” Please see col. 1, lines 33-52 and col. 2, lines 38-55, both addressing shortcomings in rating systems.

The system and method of the Abecassis patent requires a viewer to interpret MPAA ratings to a unique numerical rating system in the Abecassis patent. For example, a viewer must translate the “R” rating given by the MPAA to a segment rating of “3” in the Abecassis patent. See col. 9, lines 8-12. Further, viewers must translate MPAA ratings to a rating chart for use in the system of the Abecassis patent (see col. 9, lines 53-64). As such, the feature of “encoding tags within said video stream that indicate content of each video segment, said tags comprising selected key words and rating information relating to the content of each video segment based on information from an electronic program guide and rating information of each video segment” is not disclosed in the Abecassis patent.

In addition to the lack of encoding key words for use in tags to characterize each video segment, the Abecassis patent fails to disclose or suggest a number of other features recited in claim 1. For example, there is no disclosure in the Abecassis patent of encoding markers within the video stream, where the markers have a position in the video stream that indicates a division between the plurality of video segments of the video stream as recited in amended independent claim 1. Instead, the portions of the Abecassis patent cited by the Examiner disclose beginning and end frames for relevant content (see col. 8, lines 1-26 and 39-45). In the Abecassis patent, the discussion of these beginning and end frames is a function of an editor or producer making this selection manually. That is, the scenes are reviewed according to a producer-selected rating structure (see col. 8, lines 3-8). There is no disclosure of encoding markers in the video stream as required by amended independent claim 1.

As indicated above, there is no mention in the Abecassis patent of encoding tags within the video stream that indicate content of each video segment where the tags include selected key words and rating information relating to the content of each

video segment based on information from an electronic program guide and rating information of each video segment as required by amended independent claim 1. While the Examiner cites column 7, lines 16-26 as disclosing this feature, the cited portion of the Abecassis patent merely indicates that key words and password controls are used to access preestablished content preference structure, that is, which ratings will be permitted to pass through the numerical ratings structure for each separate password/user.

Not only is the Abecassis patent silent on the encoding key words of the video stream based on information from an electronic program guide, as the Examiner concedes, but the Abecassis patent also fails to disclose or suggest encoding key words in the video stream that indicate content of each video segment based on rating information of each video segment. Instead, as the Examiner notes, the key words of Abecassis are assigned to provide user viewing control capabilities based on the category or subject matter of segments in order to retrieve the segments, but there is no disclosure or suggestion that the tags are encoded with rating information relating to the content of each video segment. See column 7, lines 16-26.

The Legall patent fails to cure the deficiencies of the Abecassis patent. The Legall patent is directed to a system and method for searching Internet information and broadcast information on the same search topic and criteria without performing multiple searches or recreating the search criteria. Please see col. 3, lines 40-43 of the Legall patent. The Examiner asserts that “Legall discloses that the keywords or tags of a program are based on information from an electronic program guide as a user allowed [sic] to search for programs or listings based on the keywords,” and cites column 3, lines 28-55 to support this assertion. However, the Legall patent uses key words to search for broadcast programs with a user-initiated search. See col. 3, lines 28-33 of the Legall patent. The search criteria may then be saved as a filter to be executed at a later time. The user may then execute the search and display an electronic program guide containing program information that meets the search criteria. See col. 3, lines 34-39. Via the electronic program guide, broadcasts can be selected and displayed. There is no disclosure in the Legall patent of encoding tags

within the video stream that indicate content of each video segment, the tags comprising selected key words and rating information relating to the content of each video segment based on information from an electronic program guide and rating information of each video segment as required by amended independent claim 1. The Legall patent effectively performs the reverse: the Legall patent delivers results of a search that are a subset of an entire electronic program guide rather than encoding video segments with tags including key words and rating information based on information from an electronic program guide and rating information from each video segment.

Because the encoded key words and rating information relating to the content of each video segment based on information from an electronic program guide and rating information of each video segment are not disclosed or suggested by the combination of the Abecassis patent and the Legall patent, the inserting step of amended independent method claim 1 cannot be disclosed as well. The method recited in claim 1 requires inserting alternate video segments to replace the unwanted video segments if the comparison of the keywords or the rating information with the video preference information of the viewer is unfavorable. Since there is no encoded rating information based on information from an electronic program guide and rating information from each video segment, there cannot be insertion of alternate video segments based upon a comparison of encoded keywords and rating information.

The cited portions of the Abecassis patent and the Legall patent fail to disclose or suggest the above-listed features recited in amended independent method claim 1. Accordingly, the combination of the Abecassis patent and the Legall patent also fails to disclose or suggest all of the features recited in amended independent method claim 1 and thereby fails to render claim 1 unpatentable under 35 U.S.C. § 103(a) and that this claim is in proper condition for allowance. Applicant respectfully requests the reconsideration of claim 1 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

Dependent claims 5-7, 10, and 11 depend upon amended independent claim 1. These dependent claims thereby include all the limitations of amended independent

claim 1, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 1 to include limitations not disclosed or suggested by the combination of the Abecassis patent and the Legall patent. Accordingly, with the dependency of claims 5-7, 10, and 11 upon amended independent claim 1, the combination of the Abecassis patent and the Legall patent also fails to disclose all of the features recited in dependent claims 5-7, 10, and 11. Applicant respectfully submits that the combination of the Abecassis patent and the Legall patent thereby fails to render claims 5-7, 10, and 11 obvious under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicant respectfully requests the reconsideration of claims 5-7, 10, and 11 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

2. Method Claims 14, 18, and 70

With regard to claims 14 and 18, Applicant amended independent method claims 14 and 18 to include features substantially similar to those recited above with regard to amended independent claim 1. Amended independent claim 14 recites the additional step of storing the unwanted video segments in local storage if the comparison of the keywords or the rating information of each video segment with the video preference information of the viewer is unfavorable. Similarly, amended independent claim 18 recites the additional step of storing the excluded video segments in local storage if the comparison of the keywords or the rating information of each video segment with the video preference information is unfavorable.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that the combination of the Abecassis patent and the Legall patent discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-added step of “storing said unwanted video segments in local storage if said comparison of said keywords or said rating information of each video segment with said video preference information of said viewer is unfavorable” recited in claim 14. Similarly, the combination of the Abecassis patent and the Legall fails to

disclose the newly-added step of “storing said excluded video segments in local storage if said comparison of said keywords or said rating information of each video segment with said video preference information of said viewer is unfavorable” recited in claim 18.

These newly-recited features are not disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. As such, Applicant respectfully submits that amended independent claim 14 and amended independent claim 18 are allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claims 14 and 18 under 35 U.S.C. § 103(a).

Dependent claim 70 depends upon amended independent claim 14. This dependent claim thereby includes all the limitations of amended independent claim 14, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 14 to include limitations not disclosed or suggested by the combination of the Abecassis patent and the Legall patent. Accordingly, with the dependency of claim 70 upon amended independent claim 14, the combination of the Abecassis patent and the Legall patent also fails to disclose all of the features recited in dependent claim 70. Applicant respectfully submits that the combination of the Abecassis patent and the Legall patent thereby fails to render claim 70 obvious under 35 U.S.C. § 103(a) and that this claim is likewise in proper condition for allowance. Applicant respectfully requests the reconsideration of claim 70 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

3. Method Claim 15

Similarly, Applicant amended independent method claim 15 to include features substantially similar to those recited above with regard to amended independent claim 1. Amended independent claim 15 further recites the additional step of inserting downloaded preferred video segments to replace the unwanted video segments if the comparison of the keywords or the rating information with the video preference information of the viewer is unfavorable.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that the combination of Abecassis and Legall discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-added step of “inserting said downloaded preferred video segments to replace said unwanted video segments if said comparison of said keywords or said rating information with said video preference information of said viewer is unfavorable.”

This newly-recited feature is not disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. As such, Applicant respectfully submits that amended independent claim 15 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. § 103(a).

4. Method Claim 16

Applicant amended independent method claim 16 to include features substantially similar to those recited above with regard to amended independent claim 14. Amended independent claim 16 recites both the additional steps of storing both the preferred video segments and the unwanted video segments in local storage and inserting the stored preferred video segments to replace the unwanted video segments if the comparison of the keywords or the rating information with the video preference information of the viewer is unfavorable.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that Abecassis discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-added steps of “storing said preferred video segments and said unwanted video segments in local storage; and inserting said preferred video segments to replace said unwanted video segments if said comparison of said keywords or said rating information with said video preference information of said viewer is unfavorable.”

These newly-recited features are neither disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. As such, Applicant respectfully submits that amended independent claim 16 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a).

5. Method Claim 17

Applicant amended independent method claim 17 to include features substantially similar to those recited above with regard to amended independent claim 1. Amended independent claim 17 recites the additional step of storing the preferred video segments in local storage if the comparison of the key words or the rating information of each video segment with the video preference information is favorable.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that the combination of the Abecassis patent and the Legall patent discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-added steps of “storing said preferred video segments in local storage if said comparison of said key words or said rating information of each video segment with said video preference information is favorable.”

This newly-recited feature is neither disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. While the Abecassis patent appears to disclose a video buffer as cited by the Examiner, the video buffer of Abecassis is merely a means of delaying the playback of a video disk to enable random positioning of the head as measured in microseconds (see col. 10, lines 33-41 of the Abecassis patent). There is no disclosure or suggestion, however, of a local storage device as contemplated in the present invention and recited in independent claim 17. As such, Applicant respectfully submits that amended independent claim 16 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a).

6. System Claims 19, 20, 22, 23, and 38

Applicant amended independent system claim 19 to include the devices used to perform the method recited above with regard to amended independent method claim 1. Amended independent claim 19 recites the additional features of the video database, coupled to the set-top box, that receives and stores the un-encoded video stream from the set-top box as video segments and that further receives the pointers from the comparator and uses the pointers to identify stored video segments that are authorized to be viewed and that further generates a selected video stream including the authorized video segments.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that the combination of the Abecassis patent and the Legall patent discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-added features of the video database as well as the newly-recited features of the comparator. The comparator is coupled to the set-top box and “receives said separated tags and said separated markers and viewer preferences and compares said key words of said tags with said viewer preferences to generate pointers that point to locations of video segments in a video database, and that select said preferred video segments from said video database and that exclude deselected video segments to generate a selected video stream” while the video database “receives and stores said un-encoded video stream from said set-top box as video segments and that further receives said pointers from said comparator and uses said pointers to identify stored video segments that are authorized to be viewed and that further generates a selected video stream including said authorized video segments.”

These newly-recited features are neither disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. Instead, the Abecassis patent appears to disclose a control program (Figure 5, 621) rather than the comparator as asserted by the Examiner. The control program in the Abecassis patent stores the viewer content preference structure (see col. 10, lines 62-67). However,

there is no disclosure or suggestion in the combination of the Abecassis patent and the Legall patent of a comparator with the features recited in amended independent claim 19. Likewise, in the Abecassis patent and the Legall patent, there is no disclosure of a video database with the features recited above in amended independent claim 19. As such, Applicant respectfully submits that amended independent claim 19 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 19 under 35 U.S.C. § 103(a).

Dependent claims 20, 22, 23, and 38 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 19, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 19 to include limitations not disclosed or suggested by the combination of the Abecassis patent and the Legall patent. Accordingly, with the dependency of claims 20, 22, 23, and 38 upon amended independent claim 19, the combination of the Abecassis patent and the Legall patent also fails to disclose all of the features recited in dependent claims 20, 22, 23, and 38. Applicant respectfully submits that the combination of the Abecassis patent and the Legall patent thereby fails to render claims 20, 22, 23, and 38 obvious under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicant respectfully requests the reconsideration of claims 20, 22, 23, and 38 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

7. Method Claims 61 and 62

With regard to claim 61, Applicant amended independent method claim 61 to include features substantially similar to those recited above with regard to amended independent claim 1. Amended independent claim 61 recites the additional step of selecting and excluding video segments based upon the comparison of the key words and rating information to video preference information of the viewer and inserting alternate video segments that have been selected by the viewer to replace the unwanted video segments that have been excluded by the viewer if the comparison of

the key words or rating information with the video preference information is unfavorable.

In the list of disclosures beginning on page 4 of the October 18, 2006, Office Action, the Examiner asserts that the combination of the Abecassis patent and the Legall patent discloses a number of the features recited in the claims of the present application. However, the combination of the Abecassis patent and the Legall fails to disclose the newly-amended step of “inserting alternate video segments that have been selected by said viewer to replace said unwanted video segments that have been excluded by said viewer if said comparison of said key words or said rating information with said video preference information is unfavorable” as recited in claim 61.

Instead, the Abecassis patent appears to disclose a process whereby any video segments with a rating higher than the viewer-selected rating for a given category are not included in the output program (see col. 10, lines 10-16) rather than the insertion of alternate video segments as asserted by the Examiner. The other portions of the reference similarly appear to disclose inhibiting undesirable subject matter or retrieving desirable subject matter, but there is no disclosure of substituting alternate video segments that have been selected by the view to replace unwanted video segments that have been excluded by the view (see col. 7, lines 8-26 and col. 8, lines 39-52) as recited in amended independent claim 61.

These newly-recited features are not disclosed nor suggested by the combination of the Abecassis patent and the Legall patent. As such, Applicant respectfully submits that amended independent claim 61 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 61 under 35 U.S.C. § 103(a).

Dependent claim 62 depends upon amended independent claim 61. This dependent claim thereby includes all the limitations of amended independent claim 61, while reciting additional features of the present invention. As noted above, Applicant amended independent claim 61 to include limitations not disclosed or suggested by the combination of the Abecassis patent and the Legall patent. Accordingly, with the

dependency of claim 62 upon amended independent claim 61, the combination of the Abecassis patent and the Legall patent also fails to disclose all of the features recited in dependent claim 62. Applicant respectfully submits that the combination of the Abecassis patent and the Legall patent thereby fails to render claim 62 obvious under 35 U.S.C. § 103(a) and that this claim is likewise in proper condition for allowance. Applicant respectfully requests the reconsideration of claim 62 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

D. Claim Rejections Under 35 U.S.C. § 103

Claims 3, 8, 21, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 1 above, and further in view of Kwoh U.S. Patent Number 6,226,793. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 3, 8 depend upon amended independent claim 1, while dependent claims 21 and 36 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 1 and 19, respectively, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claims 1 and 19 are allowable over the combination of references. Accordingly, with the dependency of claims 3 and 8 upon amended independent claim 1, and the dependency of claims 21 and 36 upon amended independent claim 19, Applicants respectfully submit that claims 3, 8, 21, and 26 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claim 3, 8, 21, and 36 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

E. Claim Rejections Under 35 U.S.C. § 103

Claims 4, 33, and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 1 above, and further

in view of Maybury et al. U.S. Patent Number 6,961,954 (“the Maybury patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claim 4 depends upon amended independent claim 1, while dependent claims 33 and 66 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 1 and 19, respectively, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claims 1 and 19 are allowable over the combination of references. Accordingly, with the dependency of claim 4 upon amended independent claim 1, and the dependency of claims 33 and 66 upon amended independent claim 19, Applicants respectfully submit that claims 4, 33, and 66 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claim 4, 33, and 66 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

F. Claim Rejections Under 35 U.S.C. § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 1 above, and further in view of Elam U.S. Patent Number 6,216,263. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claim 12 depends upon amended independent claim 1. This dependent claim thereby includes all the limitations of amended independent claim 1, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 1 is allowable over the combination of references. Accordingly, with the dependency of claim 12 upon amended independent claim 1, Applicants respectfully submit that claim 12 is allowable over the cited combination of references by virtue of its dependency. Applicant respectfully requests reconsideration of claim 12 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

G. Claim Rejections Under 35 U.S.C. § 103

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 1 above, and further in view of Abecassis (U.S. 5,664,046 and hereafter referred to as “Abecassis2”): [?]. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claim 13 depends upon amended independent claim 1. This dependent claim thereby includes all the limitations of amended independent claim 1, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 1 is allowable over the combination of references. Accordingly, with the dependency of claim 13 upon amended independent claim 1, Applicants respectfully submit that claim 13 is allowable over the cited combination of references by virtue of its dependency. Applicant respectfully requests reconsideration of claim 13 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

H. Claim Rejections Under 35 U.S.C. § 103

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 above, and further in view of Eyer U.S. Patent Number 6,483,547. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claim 25 depends upon amended independent claim 19. This dependent claim thereby includes all the limitations of amended independent claim 19, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 19 is allowable over the combination of references. Accordingly, with the dependency of claim 25 upon amended independent claim 19, Applicants respectfully submit that claim 25 is allowable over the cited combination of references by virtue of its dependency.

Applicant respectfully requests reconsideration of claim 25 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

I. Claim Rejections Under 35 U.S.C. § 103

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 above, and further in view of Beckman et al. U.S. Patent Number 6,675,388 (“the Beckman patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claim 26 depends upon amended independent claim 19. This dependent claim thereby includes all the limitations of amended independent claim 19, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 19 is allowable over the combination of references. Accordingly, with the dependency of claim 26 upon amended independent claim 19, Applicants respectfully submit that claim 26 is allowable over the cited combination of references by virtue of its dependency. Applicant respectfully requests reconsideration of claim 26 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

J. Claim Rejections Under 35 U.S.C. § 103

Claims 29 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 above, and further in view of Elenbaas et al. U.S. Patent Publication Number 2005/0028194 (“the Elenbaas application”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 29 and 37 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 19, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 19 is allowable over the combination of references. Accordingly, with the dependency of claims 29

and 37 upon amended independent claim 19, Applicants respectfully submit that claims 29 and 37 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 29 and 37 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

K. Claim Rejections Under 35 U.S.C. § 103

Claims 30, 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 above, and further in view of Ahmad et al. U.S. Patent Number 6,880,171 (“the Ahmad patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 30, 32, and 34 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 19, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 19 is allowable over the combination of references. Accordingly, with the dependency of claims 30, 32, and 34 upon amended independent claim 19, Applicants respectfully submit that claims 30, 32, and 34 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 30, 32, and 34 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

L. Claim Rejections Under 35 U.S.C. § 103

Claims 31 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 above, and further in view of Gove U.S. Patent Number 5,099,322 (“the Gove patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 31 and 35 depend upon amended independent claim 19. These dependent claims thereby include all the limitations of amended independent claim 19, while reciting additional features of the present invention. As outlined

above, Applicants respectfully assert that amended independent claim 19 is allowable over the combination of references. Accordingly, with the dependency of claims 31 and 35 upon amended independent claim 19, Applicants respectfully submit that claims 31 and 35 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 31 and 35 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

M. Claim Rejections Under 35 U.S.C. § 103

Claims 42, 43, 45, 46, 49-51, 56-58, 64, 65, 71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Kwoh and Legall. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Applicant amended independent claim 42 to include additional features with regard to the video blanking interval decoder, the storage device that stores viewer preferences, and the back channel communication channel. Amended claim 42 recites a system for selecting one of an encoded regular video stream that has been encoded with tags and markers, and an encoded alternate video stream that has been encoded with tags and markers. The system recited in amended independent claim 42 includes a video blanking interval decoder that receives the encoded regular video stream and that separates the tags and the markers from the encoded regular video stream to create separated tags and separated markers for each video segment of the encoded broadcast video and to create an un-encoded broadcast video, where the tags include selected key words relating to the content of the video stream based on information from an electronic program guide and rating information of each video segment. Claim 42 further recites a storage device that stores viewer preferences, a comparator that is coupled to the video blanking interval decoder, where the comparator receives the separated tags and the separated markers and the viewer preferences and compares the tags with the viewer preferences to generate tag comparison data to select one of the encoded regular video stream and the encoded alternate video stream.

The system recited in claim 42 further includes a filter/switch coupled to the comparator and the video blanking interval decoder. The filter/switch uses the tag comparison data to generate a request signal for the alternate video segments. Claim 42 also recites a back channel that receives the request signal for the alternate video segments, and a video-on-demand system that receives the request signal for the alternate video segments over the back channel and sends the alternate video segments to the filter/switch for output to a display device.

In the list of disclosures beginning on page 18 of the October 18, 2006, Office Action, the Examiner asserts that the combination of the Abecassis patent, the Legall patent, and the Kwoh patent discloses a number of the features recited in claim 42 of the present application. However, the combination of the Abecassis patent, the Legall patent, and the Kwoh patent fails to disclose the newly-amended features of a video blanking interval decoder that creates separated tags and separated markers for each video segment of the encoded broadcast video and creates an un-encoded broadcast video as recited in claim 42.

Instead, the Abecassis patent appears to disclose a control program (Figure 5, 621) rather than the comparator as asserted by the Examiner. The control program in the Abecassis patent stores the viewer content preference structure (see col. 10, lines 62-67). However, there is no disclosure or suggestion in the combination of the Abecassis patent, the Legall patent, and the Kwoh patent of a comparator with the features recited in amended independent claim 42.

Likewise, in the in the combination of the Abecassis patent, the Legall patent, and the Kwoh patent, there is no disclosure of the newly-recited feature of “a back channel that receives the request signal for the alternate video segments” as recited above in amended independent claim 42. Since there is no back channel disclosed in the combination of references, there can be no “video on-demand system that receives said request signal for said alternative video segments over said back channel and sends said alternate video segments to said filter/switch for output to a display device” as also recited in amended independent claim 42. These newly-recited features are not disclosed nor suggested by the combination of references cited. As such, Applicant

respectfully submits that amended independent claim 42 is allowable over the combination of cited references and requests reconsideration and withdrawal of the rejection of claim 42 under 35 U.S.C. § 103(a).

Dependent claims 43, 45, 46, 49, 50, and 56-58 ultimately depend upon amended independent claim 42. These dependent claims thereby include all the limitations of amended independent claim 42, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 42 is allowable over the combination of references. Accordingly, with the dependency of claims 43, 45, 46, 49, 50, and 56-58 upon amended independent claim 42, Applicants respectfully submit that claims 43, 45, 46, 49, 50, and 56-58 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 43, 45, 46, 49, 50, and 56-58 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

N. Claim Rejections Under 35 U.S.C. § 103

Claims 44, 54, and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Kwoh and Legall as applied to claim 42 above, and further in view of Rosser U.S. Patent Number 6,446,261. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 44, 54, and 55 ultimately depend upon amended independent claim 42. These dependent claims thereby include all the limitations of amended independent claim 42, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 42 is allowable over the combination of references. Accordingly, with the dependency of claims 44, 54, and 55 upon amended independent claim 42, Applicants respectfully submit that claims 44, 54, and 55 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 44, 54, and 55 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

O. Claim Rejections Under 35 U.S.C. § 103

Claims 47 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Kwoh and Legall as applied to claim 43 above, and further in view of Cobbley et al. U.S. Patent Number 5,614,940 (“the Cobbley patent”). In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 47 and 48 ultimately depend upon amended independent claim 42. These dependent claims thereby include all the limitations of amended independent claim 42, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claim 42 is allowable over the combination of references. Accordingly, with the dependency of claims 47 and 48 upon amended independent claim 42, Applicants respectfully submit that claims 47 and 48 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 47 and 48 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

P. Claim Rejections Under 35 U.S.C. § 103

Claim 63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Maybury and Legall. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Applicant amended independent claim 63 to include features substantially similar to those recited above with regard to amended independent claim 1. Amended independent claim 63 recites the additional step of inserting alternate video segments that have been selected by the viewer to replace the unwanted video segments that have been excluded by the viewer if the comparison of the key words or the rating information with the video preference information is unfavorable. As such, Applicant respectfully submits that amended independent claim 63 is allowable over the combination of cited references for the same reasons outlined above with regard to

amended independent claim 1 and requests reconsideration and withdrawal of the rejection of claim 63 under 35 U.S.C. § 103(a).

Q. Claim Rejections Under 35 U.S.C. § 103

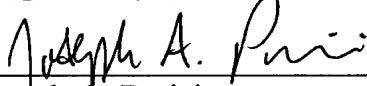
Claims 67 and 68 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis in view of Legall as applied to claim 19 and claim 1 above, respectively, and further in view of Elenbaas and Ahmad. In view of the amendments above and the comments below, Applicant respectfully requests reconsideration and withdrawal of these rejections.

Dependent claims 67 and 68 depend upon amended independent claim 19 and amended independent claim 1, respectively. These dependent claims thereby include all the limitations of amended independent claim 19 and amended independent claim 1, while reciting additional features of the present invention. As outlined above, Applicants respectfully assert that amended independent claims 19 and 1 are allowable over the combination of references. Accordingly, with the dependency of claims 67 and 68 upon amended independent claims 19 and 1, respectively, Applicants respectfully submit that claims 67 and 68 are allowable over the cited combination of references by virtue of their dependency. Applicant respectfully requests reconsideration of claims 67 and 68 and the withdrawal of the rejections under 35 U.S.C. § 103(a).

R. Conclusion

Applicant respectfully requests that the Examiner reconsider the pending claims in view of the above amendments and arguments and withdraw the rejections of record and allow the pending claims in the present application to issue. If the Examiner believes that a conference would be beneficial in expediting the prosecution of the present application, Applicant invites the Examiner to telephone counsel to arrange such a conference.

Respectfully submitted,



Joseph A. Parisi
Registration No. 53,435

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000